



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK VA 23551-2487

5720

Ser N01P (2017-05-000676)/005
January 19, 2017

Mr. Paul Sonne
Wall Street Journal
1025 Connecticut Avenue NW #800
Washington, DC 20036

Dear Mr. Sonne:

This letter responds to your Freedom of Information Act (FOIA) request dated October 26, 2016, wherein you request multiple documents related to the general court-martial United States v. LCDR Edward C. Lin, U.S. Navy.

Your request was processed under applicable provisions of the FOIA statute, as amended, and the implementing Navy Department directive (SECNAVINST 5720.42F).

As referenced in your FOIA request, you seek the Article 32 Preliminary Hearing Officer Report, all reports of investigations (ROI) involved in the case, including the "Rogue Archer" ROI by NCIS, the Bill of Particulars and any allied papers referenced therein, unclassified parts of all witness depositions, unclassified parts of all discovery documents provided to the defense, all rulings by the military judge in the case, all motions submitted by the defense, and all motions or answers given by the government.

After reviewing your request, I determined that the Naval Criminal Investigative Service (NCIS) is the appropriate action office for review of your request pertaining to all ROI involved in the case, including the "Rogue Archer" ROI. Therefore, that portion of your request has been forwarded to NCIS for action and a direct response to you. You may contact NCIS using the information below:

Naval Criminal Investigative Service
ATTN: 00LJF FOIA
27130 Telegraph Road
Quantico, VA 22134-2253
ncis_foia@ncis.navy.mil
POC: CDR Karen Richman, JAGC, USN, 571-305-9099

With respect to the remaining documents, after careful consideration of your request I have determined that they are exempt from disclosure and must be withheld in their entirety pursuant to exemptions (b)(6), (b)(7)(A), and (b)(7)(B) of the FOIA. The documents are part of an ongoing law enforcement proceeding and the production of these documents could reasonably be expected to interfere with those enforcement proceedings. Further, their disclosure may deprive the Accused of his right to a fair trial. I have also determined that the particular kinds of documents you have requested in this case could generally interfere with LCDR Lin's court-martial; therefore I am withholding them categorically. Additionally, release of the information sought could result in an unwarranted invasion

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of the personal privacy of various individuals. Reasonable segregation of any information not exempt from release is not possible.

No fees will be assessed for the processing of your request.

Because your request has been denied, you are advised of your right to appeal the denial of your request by writing to:

Office of the Judge Advocate General
Department of the Navy
Attn: FOIA Appeals, Code 14
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within ninety (90) calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

In this instance, the fees associated with the processing of this request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil, (703) 697-0031; or by contacting the Office of Government Information Services (<https://ogis.archives.gov/>), ogis@nara.gov, (202) 741-5770.

I am the person responsible for this determination. Please contact Ms. Linda Alvers at (757) 836-3630 or at linda.alvers@navy.mil if you require further assistance.

Sincerely,



J.E. HANZLIK, JR.
Captain, U.S. Navy
By direction of the Commander

Copy to: Case File, Serial File, USFF N01L, NCIS 00LJF FOIA